

COUNTY COUNCIL

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MEMORANDUM

February 14, 2013

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Jay Furfaro, Council Chair 

RE: **FEBRUARY 13, 2013, COUNCIL MEETING**

This is to inform you of the action taken by the Council at its February 13, 2013, Council Meeting:

CONSENT CALENDAR:

C 2013-63 Communication (01/24/2013) from the Director of Planning, transmitting for Council consideration, the Planning Commission's recommended Amendments to the Subdivision Ordinance (Chapter 9, Kaua'i County Code 1987, as amended) to allow for Multi-Modal Transportation Principles for Subdivisions. (*Copies of Director's Report, Supplement to the Director's Report, and the Planning Commission Public Hearing Minutes on file in the County Clerk's Office.*). (*Received for the Record.*)

C 2013-64 Communication (01/24/2013) from the Mayor, transmitting for Council consideration and confirmation the following Mayoral appointees to the various Boards and Commissions for the County of Kaua'i:

- (1) Civil Service Commission:
 - Karen S. Matsumoto – Term ending 12/31/2015
 - (2) Fire Commission:
 - Savita Agarwal – Term ending 12/31/2015
 - (3) Planning Commission:
 - John K. Isobe – Term ending 12/31/2015
 - Amy A. Mendonca – Term ending 12/31/2015
- (Received for the Record.)**

COMMUNICATIONS:

C 2013-38 Communication (12/10/2012) from the Director of Finance, requesting Council approval to dispose of government records in the Department of Finance, Accounting Division, pursuant to Hawai'i Revised Statutes (HRS) 46-43(c) and Resolution No. 49-86 (1986), as amended. The reports and records have met the seven (7) and ten (10) year retention periods:

- (1) Seven (7) Year retention:
 - Cash Receipts: 2002 to, and including June 30, 2005,
 - Payroll checks: 2004 to, and including June 30, 2005,
 - Accounts Payable cancelled checks: 2003 to, and including June 30, 2005,
 - Accounts Payable Registers: 2004 to, and including June 30, 2005,
 - Inventory Files: 2003 to, and including June 30, 2005.
- (2) Ten (10) Year retention:
 - Accounts Payable: November 2001 to, and including June 30, 2002.

(Approved.)

C 2013-65 Communication (01/03/2013) from Council Vice Chair Nakamura, requesting the presence of Diane Zachary, President & CEO of the Kaua'i Planning & Action Alliance, and Jerome Argusa, Ph.D, Professor at Hawai'i Pacific University, to provide a progress report and update on the Sports & Recreation Inventory, Comprehensive Economic Development Strategy (CEDS) Project. ***(Received for the Record.)***

C 2013-66 Communication (01/09/2013) from the Director of Economic Development, requesting agenda time for the Kaua'i Visitors Bureau to provide an update and presentation of the Kaua'i Visitors Bureau Consumers Promotion Grant to assist marketing efforts of East Kaua'i's Royal Coconut Coast Resorts and Businesses. ***(Received for the Record.)***

C 2013-67 Communication (01/18/2013) from the Housing Director, requesting Council approval to acquire a residential unit situated at 4222 Ka'ana Street, Lihu'e, Kaua'i, Hawai'i, under the County's Community Development Block Grant (CDBG) Program.

- TMK: (4) 3-6-018-058-0002
- (Approved.)***

C 2013-68 Communication (01/23/2013) from the Chief of Police, requesting Council approval to expend approximately eleven thousand dollars (\$11,000.00) from the Other Commodities Fund (Account No. 001-1004-551.67-00) to purchase two (2) FNH Sniper Rifles for use within the Kaua'i Police Department's Special Services Team (S.S.T.). ***(Approved.)***

C 2013-69 Communication (01/28/2013) from the Chief of Police, requesting Council approval to purchase six (6) new XTL-5000 Motorola Digital Mobile Police Radios at the cost of approximately \$28,807.08 utilizing money in the Kaua'i Police Department's General Fund – Other Services Account (Account No. 001-1003-551.30-00). The new Motorola Digital Mobile Police Radios will be replacing obsolete Motorola Analog Police Radios and will be installed in the new Toyota Trucks and Ford Sport Utility Vehicles. ***(Approved.)***

C 2013-70 Communication (01/29/2013) from the Deputy Director of Finance, transmitting for Council information, Period 1-5 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of November 30, 2012, pursuant to Section 21 of the Fiscal Year 2012-2013 Operating Budget Ordinance No. B-2012-736 of the County of Kauaʻi. *(Copies of the Periods 1-5 Financial as of November 30, 2012 on file in the County Clerk's Office). (Deferred.)*

C 2013-71 Communication (01/31/2013) from the County Attorney, requesting authorization to expend up to \$25,000.00 for special counsel's continued services provided for Defendant Shaylene Iseri-Carvalho in Tim Bynum vs. County of Kauaʻi, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. *(Approved.)*

C 2013-72 Communication (01/31/2013) from the County Attorney, requesting authorization to expend up to \$50,000.00 for special counsel's continued services provided for Defendant Sheilah Miyake in Tim Bynum vs. County of Kauaʻi, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. *(Approved.)*

C 2013-73 Communication (01/31/2013) from the County Attorney, requesting authorization to expend up to \$8,920.00 for special counsel's services provided in Wayne R. Daniel v. Kodani and Associates, Inc., et al., Civil No. 08-1-0006 (Fifth Circuit Court), and related matters. *(Approved.)*

C 2013-74 Communication (02/01/2013) from the County Attorney, transmitting for Council information the Quarterly Report on Settled Claims Against the County of Kauaʻi from October 1, 2012 to December 31, 2012. *(Received for the Record.)*

LEGAL DOCUMENTS:

C 2013-75 Communication (02/06/2013) from the County Attorney, requesting Council approval of the Agreement for Dedication of Property, made by and between CBG Partners and the County of Kauaʻi, under which CBG Partners agrees to dedicate two (2) right-of-way parcels consisting of 0.013 and 3.068 acres, respectively, for the Proposed Northern Leg of the Western By-Pass Road in Kōloa, Kauaʻi, Hawaiʻi, in exchange for the sum of \$161,502.00, with the County of Kauaʻi paying \$38,878.00 and Kukuiʻula Development Company (Hawaiʻi), LLC, paying \$122,624.00. *(Approved with corrected language.)*

CLAIMS:

C 2013-76 Communication (01/23/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kauaʻi by Crawford & Company, as subrogee for Fe Cantorna and Geomar Cantorna, for damage to their personal property, pursuant to Section 23.06, Charter of the County of Kauaʻi. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2013-77 Communication (01/23/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kauaʻi by Midori C. Komar, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2013-78 Communication (01/29/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Alice M. Morikawa, for financial loss, and emotional and psychological damages, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

COMMITTEE REPORT: APPROVED.

RESOLUTIONS:

Resolution No. 2013-34, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION *(Karen S. Matsumoto)* ***(Approved.)***

Resolution No. 2013-35, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION *(Savita Agarwal)* ***(Approved.)***

Resolution No. 2013-36, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(John K. Isobe)* ***(Approved.)***

Resolution No. 2013-37, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(Amy A. Mendonca)* ***(Approved.)***

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2465) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUA'I COUNTY CODE 1987, AS AMENDED, TO ALLOW FOR MULTI-MODAL TRANSPORTATION PRINCIPLES FOR SUBDIVISIONS ***(Approved on 1st reading, Public Hearing scheduled for 03/13/2013, and referred to the Planning Committee.)***

BILL FOR SECOND READING:

Bill No. 2439, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY OF KAUA'I PLANNING DEPARTMENT CIVIL FINES *(See also CR-PL 2013-01; the Planning Committee recommended approval as amended to Bill No. 2439, Draft 1 on February 5, 2013.)* ***(Approved.)***

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council

Via E-mail: KCT Department Heads
KCT CCs
Staff